THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 11680 of 1999

Date: 05-06-2006

Between:

APSRTC rep., by its Managing
Director, Mushirbad, Hyderabad

..... PETITIONER

AND

State Transport Appellate Tribunal
Hyderabad and three others.

....RESPONDENTS

THE HON'BLE Ms. JUSTICE G.ROHINI

WRIT PETITION No. 11680 of 1999

O R D E R:

This writ petition is filed by A.P. State Road Transport Corporation questioning the order dated 15-02-1999 in A.P.No.7 of 1998 passed by the State Transport Appellate Tribunal, Andhra Pradesh, whereunder the order dated 09-12-1997 passed by the Regional Transport Authority, Nellore was set aside.

The third respondent herein made an application for grant of two pucca stage carriage permits to ply on the moffusil route from Muthukur Bus Stand (Nellore) to Pedur (Via) P.W.D.Office, Bye-pass road, Atmakur Bus Stand, Nawabpet, Mypadu gate, Nellore Straw Board, Narayanareddypeta, Gudapallipadu and Narkur village to ply in opposite direction. The second respondent-Regional Transport Authority, Nellore passed a resolution dated 09-12-1997 rejecting the application of the third respondent on the ground that APSRTC was operating 19 buses with 202 singles per day on the above route and therefore there is no need for grant of any more permits. Aggrieved by the same, the third respondent preferred an appeal being A.P.No.7 of 1998 before the first respondent-Tribunal. After hearing both the parties, first respondent-Tribunal, by order, dated 15-02-1999, allowed the appeal thereby setting aside the order of the second respondent and directed to issue such carriage permits as prayed by the third respondent within four months. The said

order of the first respondent-Tribunal dated 15-02-1999 is under challenge in this writ petition.

This Court, while directing Rule Nisi, by order, dated 16-06-1999 granted interim stay of further proceedings pursuant to the order of the Tribunal, dated 15-02-1999.

Despite service of notice, the third respondent did not choose to appear either in person or through duly instructed counsel.

I have heard the learned standing counsel appearing for the Corporation as well as the learned Government Pleader appearing for the respondents 1 and 2.

It is to be noted that the Apex Court, having considered an identical issue in ***Mithilesh Garg v. Union of India***[1], held that any number of permits can be granted since it is for the benefit of the traveling public.

Following the said principle of law laid down by the Supreme Court, the Appellate Tribunal held that the fact that the Corporation was operating 19 buses on the route cannot be a ground to reject the permit sought by the third respondent.

The order of the Tribunal is in accordance with the settled principles of law and therefore, does not warrant any interference. In the circumstances, I do not find any substance in the contention raised by the petitioner-Corporation.

Accordingly, the writ petition is dismissed. No costs.

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G.ROHINI, J

Dated:05-06-2006
KLP

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[1] AIR 1992 SC 443